

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY JOSEPH THOMAS,

Petitioner,

No. CIV S-04-0733 MCE DAD P

vs.

A.K. SCRIBNER, Warden, et al.,

Respondents.

ORDER

_____/

Petitioner is a state prisoner proceeding pro se with an amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 6, 2006, respondents filed their answer. By this order, the court will set a deadline for the filing of petitioner's traverse.

On January 18, 2007, petitioner filed a document styled, "Motion For Judicial Reviewing Granted Filed On Date October 11, 2006." Therein, petitioner contends that the undersigned erroneously allowed respondents to file their answer and requests a "judicial review hearing by the panel judges of the United States of America Court of Appeals 9th Circuit Court." (Pet's Mot. at 1-2.) This document will be placed in the file and disregarded as there is no final judgment from which petitioner may seek an appeal and no interlocutory order has been made that involves a controlling question of law to which there is substantial ground for a difference of

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1 opinion. See 28 U.S.C. §§ 1291-1292. Similarly, petitioner's request for the appointment of
2 counsel to pursue his appeal will also be placed in the file and disregarded.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Any traverse petitioner intends to file must be filed within thirty days from the
5 service of this order. Thereafter, this case shall be deemed submitted and ready for disposition;
6 and

7 2. Petitioner's January 18, 2007 requests for judicial review and appointment of
8 counsel shall be placed in the file and disregarded.

9 DATED: March 21, 2007.

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12 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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